

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MALCOLM MADISON,

Plaintiff,

-against-

THE ADMINISTRATION AT FORT
WASHINGTON MEN’S SHELTER; DHS;
ETTA GRAHAM; KALETT; JASMINE
CRUZ,

Defendants.

1:21-CV-2133 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action alleging that Defendant violated his constitutional rights. The Court dismisses the complaint for the following reasons.

Plaintiff has previously submitted to this Court a very similar complaint against “Etta Gramm, Director of Fort Washington Men’s Shelter, 33 Precint [sic], and New York County District Attorney Cyrus Vance,” raising similar claims. That case is presently pending before this Court under docket number ECF 1:21-CV-4908 (LTS).¹ As this complaint raises similar claims, no useful purpose would be served by litigating this duplicate lawsuit. Therefore, this complaint is dismissed without prejudice to Plaintiff’s pending case under docket number ECF 1:21-CV-4908 (LTS).

Plaintiff’s complaint is dismissed as duplicative.

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket.

¹ By order dated July 1, 2021, the Court directed Plaintiff to amend his complaint to state valid section 1983 claims against the City of New York and section 1981, Fair Housing Act, and Americans with Disabilities Act claims against Fort Hamilton Men’s Shelter. (ECF 1:21-CV-4908, ECF No. 6.)

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: July 15, 2021
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge